

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Gredley, Sarah

**Serial No.:** 10/521,139

**Filing Date:** 12 January 2005

**For:** Picture Frame

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**PETITION (CONDITIONAL) UNDER 37 C.F.R. § 1.78(a)(3)  
TO ACCEPT LATE CLAIM OF PRIORITY**

MAIL STOP: PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Office of PCT Legal Administration

Sir:

This petition is made conditional on the granting of Applicant's concurrently filed petition to revive PCT application PCT/GB03/02228 for priority benefit of the PCT application for the above-captioned continuation application.

Applicant petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) to permit Applicant to make a late claim of priority to PCT Application No. PCT/GB03/02228 (the "PCT application") filed on May 23, 2003 and to GB 0211893.3, filed on 23 May 2002. The PCT application claimed priority benefit of GB 0211893.3. The reference identifying the prior-filed

PCT application by application number or international application number and international filing date was unintentionally delayed.

Upon the granting of Applicant's concurrently filed petition to revive PCT application PCT/GB03/02228, the Commissioner is authorized to charge Deposit Account No. 19-0733 for the petition fee required under 37 C.F.R. § 1.17(h) or (t) for this petition.

### **Discussion**

Applicant filed a claim to the priority benefit of the PCT application in the original application papers. The application was originally filed under 35 USC §371 as a national stage of the PCT application. The PCT application was identified and a claim for its priority benefit was made in a Preliminary Amendment filed as part of the original application papers. The amendment added a first paragraph to the specification, identifying the application as a §371 national stage of the PCT application, because applicant was filing the application as such.

Also, the PCT application was identified as a priority document in an Application Data Sheet (ADS) filed as part of the original application papers.

The original application papers included a petition to revive the PCT application. In its decision dismissing the petition, the Office determined that the application would be treated as a §111 continuation of the PCT application in view of a reference to the application as such in the preliminary amendment.

Another claim for priority benefit of the PCT application was made in the first paragraph of a substitute specification filed on March 6, 2006 in connection with a petition for reconsideration of the petition to revive. The paragraph inadvertently referred to §371 but

correctly identified the application as a continuation of the PCT application in stating the priority benefit claim.

A Further Preliminary Amendment in support of the Applicant's accompanying second request for reconsideration of her petition to revive the PCT application is filed concurrently with those papers and this petition. The Further Preliminary Amendment amends the first paragraph of the specification to claim priority benefit of the PCT application as follows:

This application is a continuation of PCT Application No. PCT/GB03/02228, which PCT application was filed on May 23, 2003 and claimed priority of GB 0211893.3 filed on 23 May 2002. The PCT application designated the United States and was published in the English language on December 4, 2003 as WO 03/099078.

**Action Requested**

Applicant requests that the claim to the benefit of PCT Application No. PCT/GB03/02228 filed on May 23, 2003, which application claimed priority of GB 0211893.3, filed on 23 May 2002, be allowed.

Respectfully submitted,  
Sarah Gredley

Dated: 08 November 2006



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